

Filed for intro on 02/15/2001
SENATE BILL 1810 By
Cohen

HOUSE BILL 1716
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 2, relative to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 39-14-212.

(a) A person commits aggravated cruelty to animals when, with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty.

(b) For purposes of this section:

(1) "Aggravated cruelty" means conduct which is:

(A) Intended to inflict extreme physical pain; or

(B) Done or carried out in a depraved or sadistic manner;

(2) "Companion animal" means any non-livestock animal as defined in § 39-14-201(3) and includes all equine animals;

(3) "Minor" means any person under eighteen (18) years of age;
and

(4) "Elderly" means any person sixty-five (65) years of age or
older.

(c) The provisions of subsection (a) shall not be construed to prohibit or
interfere with the following endeavors:

(1) Engaging in lawful hunting, trapping, or fishing activities;

(2) Dispatching rabid or diseased animals;

(3) Dispatching animals posing a clear and immediate threat to
human safety;

(4) Performing or conducting bona fide scientific tests,
experiments or investigations within or for a bona fide research
laboratory, facility or institution;

(5) Performing accepted veterinary medical practices or
treatments;

(6) Dispatching animals in accordance with § 44-17-403 (e); or

(7) The owner of a farm animal or someone acting with the
consent of the owner of such animal engaging in usual and customary
practices which are accepted by colleges of agriculture or veterinary
medicine with respect to such animal as described in TCA 39-14-
202(e)(1).

(d) Aggravated cruelty to animals is a Class E felony.

(e) In addition to the criminal penalty imposed by subsection (d) of this
section, the sentencing court shall also order the defendant to surrender custody
and forfeit the animal or animals whose treatment was the basis of the
conviction. Custody shall be given to the agency presenting the case and thus

responsible for the animal. The court may prohibit the defendant from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as is necessary for the protection of the animals.

(f) Upon conviction for a violation of this section, in addition to any sentence imposed, the court shall require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court shall, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.

(g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court shall, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.

(h) A defendant convicted of a violation of this section shall be liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.

(i) A defendant convicted of a violation of this section where the animal is the property of another person shall be liable to the owner of the animal for damages, in addition to the penalties prescribed by law.

(j) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, the court shall order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, the court shall order that treatment.

(k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.

SECTION 2. It is the legislative intent that nothing in this section shall change, modify, or amend in any way, any provision of Tennessee Code Annotated, Title 70, involving fish and wildlife.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.